

Message Text

CONFIDENTIAL

PAGE 01 STATE 035617

21

ORIGIN EUR-12

INFO OCT-01 ISO-00 SCS-03 L-03 PM-04 NSC-05 SP-02 SS-15

CIAE-00 INR-07 NSAE-00 SCA-01 PA-01 PRS-01 USIA-06

/061 R

DRAFTED BY SCS:LPMULLIN/EUR/CE:JCKORNBLUM:KP

APPROVED BY EUR:RDVINE

L:HFSHAMWELL

EUR/CE:DANDERSON

C:WSHINN

EUR/WE:WMARSH

S/S -O: A. OTTO

----- 062987

P R 130213Z FEB 76

FM SECSTATE WASHDC

TO AMEMBASSY PARIS

INFO AMEMBASSY BERLIN

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY LONDON

AMEMBASSY THE HAGUE

AMEMBASSY ROME

AMEMBASSY MOSCOW

USMISSION NATO

USMISSION USBERLIN

C O N F I D E N T I A L STATE 035617

E.O. 11652:

TAGS: PFOR, CGEN, GE, FR, US

SUBJECT: FRENCH-GDR -ONSULAR NEGOTIATIONS

REF: A.) BERLIN 5211 B.) PARIS 4031 C.) PARIS 4172

1. US POSITION ON DEFINITION OF NATIONALITY REMAINS

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 035617

UNCHANGED. WE DO NOT INTEND TO ACCEPT ANY LANGUAGE ON

NATIONALITY, EITHER IN TEXT OF CONSULAR AGREEMENT ITSELF OR IN ANY FORM OUTSIDE OF FORMAL AGREEMENT TEXT. FURTHER, THE TYPE OF DEFINITION HINTED AT IN THE FISCHER-SAUVAGNARGUES DISCUSSION IS OBJECTIONABLE IN THAT IT ATTEMPTS TO RELATE CITIZENSHIP TO THE NATIONAL PASSPORT CARRIED BY THE INDIVIDUAL. DEPARTMENT AGREES WITH BERLIN REFTEL THAT THE PHRASE QUOTE PRESENT PASSPORT UNQUOTE WOULD GIVE THE GDR AN OPENING TO MAKE PRESENTATION OF A US PASSPORT THE SINE QUO NON TO US CONSULAR ACCESS.

2. IT IS POSSIBLE THAT THE GDR HAS FORMULATED THE FISCHER PROPOSAL FROM A PORTION OF THE US DRAFT ARTICLE 35 ON COMMUNICATION WITH A NATIONAL OF THE SENDING STATE WHICH

ADDRESSES THE RIGHT OF ACCESS TO US CITIZENS POSSESSING DUAL NATIONALITY. DRAFT ARTICLE 35 SUBPARAGRAPH 9 READS AS FOLLOWS: THE PROVISIONS OF THIS ARTICLE RELATING TO NATIONALS OF THE SENDING STATE SHALL LIKEWISE APPLY TO PERSONS WHO ARE CONSIDERED BY THE RECEIVING STATE TO BE NATIONALS OF THE RECEIVING STATE IF THE PERSON HAS ENTERED THE RECEIVING STATE FOR A TEMPORARY STAY ON THE BASIS OF A VALID SENDING STATE PASSPORT OR OTHER LAWFUL TRAVEL DOCUMENT OF THE SENDING STATE AND HAS RECEIVED FROM THE RECEIVING STATE A VALID ENTRY VISA OR OTHER APPROPRIATE DOCUMENT AUTHORIZING ENTRY INTO THE RECEIVING STATE. THE PROVISIONS OF THIS PARAGRAPH SHALL CONTINUE TO APPLY TO SUCH PERSONS EVEN THOUGH THE PERIOD FOR WHICH THEY HAVE BEEN AUTHORIZED TO REMAIN IN THE RECEIVING STATE HAS EXPIRED DUE TO THE PENDENCY OF JUDICIAL OR ADMINISTRATIVE PROCEEDINGS PREVENTING VOLUNTARY DEPARTURE. SUCH PERSONS SHALL ALSO BE PERMITTED TO LEAVE THE RECEIVING STATE WITHOUT THE NECESSITY OF OBTAINING DOCUMENTS FROM THE RECEIVING STATE OTHER THAN THAT NORMALLY REQUIRED OF ALIENS PRESENT IN THE RECEIVING STATE.

3. IT IS CLEAR THAT THE US ARTICLE 35 DESCRIBES SENDING STATE RIGHT OF CONSULAR ACCESS TO NATIONALS ENTERING WITH SENDING STATE TRAVEL DOCUMENT AND RECEIVING STATE ENTRY DOCUMENT FOR A TEMPORARY STAY NOTWITHSTANDING ANY CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 035617

OTHER OR PRIOR CLAIM OF ALLEGIANCE AND THAT THE ARTICLE INTENDS SPECIFICALLY TO LIMIT THE REQUIREMENTS FOR E;IT FROM THE RECEIVING STATE AFTER DETENTION. US ARTICLE 35 IS IN NO WAY A DEFINITION OF NATIONALITY OR A SPECIFICATION OF A PASSPORT AS PROOF OF NATIONALITY AND ANY GDR ATTEMPT TO SO INTERPRET ARTICLE 35 WILL BE REFUSED.

4. EMBASSY PARIS IS AUTHORIZED TO INFORM FRENCH OF OUR
VIEW OF GDR COMPROMISE PROPOSAL IF US VIEWS ARE
REQUESTED BY FOREIGN OFFICE. OTHER POSTS MAY ALSO DRAW
UPON ABOVE DESCRIPTION OF OUR VIEWS IN DISCUSSIONS WITH
HOST GOVERNMENTS AS APPROPRIATE. SISCO

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSULAR AGREEMENTS, NEGOTIATIONS, NATIONALITY
Control Number: n/a
Copy: SINGLE
Draft Date: 13 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE035617
Document Source: CORE
Document Unique ID: 00
Drafter: LPMULLIN/EUR/CE:JCKORNBLUM:KP
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760054-0981
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760250/aaaabreq.tel
Line Count: 120
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 26 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 MAR 2004 by ElyME>; APPROVED <03 AUG 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FRENCH-GDR -ONSULAR NEGOTIATIONS
TAGS: PFOR, CGEN, GC, FR, US
To: PARIS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006